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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,728	01/27/2000	Rex A. Naden	73169-TS019	1299

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PILLSBURY WINTHROP LLP
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/24/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/492,728

Applicant(s)

NADEN, REX A.

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1-5, 10, 14-18 and 23-32 now include "common-protocol wireless network" .

2. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3a. Claims 1-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Flohr, US 5,374,952 in view of Narayanaswami, US Patent Application Publication 2001/0013890 and Delph, US 6,356,934.

In considering claims 1, 10 and 14,
b) the claimed a first data appliance...is met by portable computer ^{Fig 2}(2), which includes a modulator/demodulator 24 and a camera 36 included in video camera unit 11 to pick up the image of the conferee, where the computer receives and transmits information via CATV cable 18 and RF LAN cable 16, where an image received is displayed on screen 32 (Fig 1). Flohr discloses a system where a videoconferencing network can send/retrieve data to a single station in the local network without require a dedicated computer to manage the system.

However, Flohr does not specifically disclose a "projection system" or "projector" or "common protocol wireless network". Flohr discloses a videoconferencing system which can transmit/receive data to include video locally or the conferees located outside the local network (i.e. outside world) which is displayed both locally and outside.

It is noted by the examiner, the applicant also discloses (page 10, line 21-22), that the combination projector and screen 16 may be replaced by a flat panel display system.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Flohr which discloses a video conferencing system, to utilize a projector or flat screen display in order to display data when multiple conferees are at a location where each

user does not have a display, to thereby produce/provide the video for the conferees of the video conference.

Regarding the wireless limitation. Flohr discloses a system which connects the computers which may communicate individually to on another or to multiple computers via a RF LAN.

The examiner incorporates Narayanaswami, US Patent Application 2001/0013890 which discloses a videoconferencing system where a remote computing device (PDA) 100 is able to transmit/receive data either wirelessly or thru a high speed wired (USB or firewire, column 4, line 31-35) to another computer PC 136 (Fig 4).

Thus, the transmission/reception of data via a wireless medium is conventional in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Flohr which discloses a videoconferencing network to exchange data using a RF LAN, with Narayanaswami in order to provide a wireless videoconferencing system, in order to provide portability to the conferees and thus eliminating the need for cabling (RF LAN cable) in connecting current and additional users.

Regarding the common-protocol wireless network the combination of Flohr and Narayanaswami do not explicitly recite "a common-protocol" wireless network. As stated above the combination of Flohr and Narayanaswami discloses a wireless network videoconferencing system which can transmit/receive data to include video

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locally or the conferees located outside the local network (i.e. outside world) which is displayed both locally and outside the local network.

Although it is conventional to use a common protocol on a network, nonetheless the examiner incorporates Delph, US 6,356,934, which discloses the use of a common protocol of a network in order to allow a receiver computer to receive the same data as a sender computer (col 3, line 61-66). As stated by Delph, a network which is any means of transmitting data between computers, generally entails the use of a common protocol.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the Flohr and Narayanaswami combination which discloses a wireless network videoconferencing system which can transmit/receive data to include video locally or to the conferees located outside the local network which can be displayed by all conferees by using a "common-protocol" wireless network to allow all conferees (both the sender and receivers) to receive the same data, thus providing a videoconferencing system where all conferees have access to the same information.

In considering claims 2-3,

Flohr discloses a system where multiple personal computers (PC2...PCX) are connected via a RF LAN and may communicate individually to one another or to multiple computers. Also as disclosed above, Flohr's invention was a modification in prior art, alleviating the need for a central dedicated computer to manage the system,

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therefore, the use of a central computer (i.e. projector) would have been an obvious embodiment to one of ordinary skill in the art.

Regarding the "common-protocol wireless network" limitation, refer to comments claim 1 above.

In considering claims 4-5,

Flohr discloses a system where the personal computers (PC2...PCX) can communicate to the outside world, where server PC 1 can be utilized if desired to perform certain common functions which are not readily or efficiently implemented in each workstation PC2...PC, such as combining television images on a plurality of channels into a composite image for transmission (col 10, line 15-23). Each personal computer includes a modulating and demodulating circuit board 24 to convert to and from baseband video signals. Also when conferencing with the outside world and A/D, D/A 28 and modulator/demodulator 24 are used to transmit and receive outside data/services.

Regarding the "common-protocol wireless network" limitation, refer to comments claim 1 above.

In considering claims 6 and 11,

Flohr discloses that each workstation computer has a keyboard 46, processor 34, monitor 32, and a video camera unit 11, with camera 36, microphone 38 and speaker

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40, where Flohr discloses receiving the compressed data and decompressing the compressed data via digital decoder 206 which decompresses the signal and separates the video and audio portions (col 18, line 43-52) for display.

However, Flohr remains silent on the use of a MUX. Flohr discloses a system where the signals sent out on the RF LAN are compressed (Fig 21), and the signals that are received by each personal computer (workstation) decompress the transmitted compressed image for display. Flohr discloses that computer circuitry or a video display processor is required to convert video signals into the standard or protocol required to operate the display (col 2, line 5-10).

The examiner takes "OFFICIAL NOTICE" in regards to a MUX (switch).

The use of multiplexers or switches are conventional in the art, where a system/controller is able to select an appropriate scheme/format based on the type of data signal used, and the type of operation that will be carried out (display, transmit/receive).

Therefore, it would have been clearly obvious to one of ordinary skill in the art to utilize a MUX (switch), with Flohr which discloses a transmitting/receiving and displaying an information signal which can be analog or digital, which conveys information such as data or graphics, where the information signal may include a "data signal" and/or a television signal (col 2, line 11-17), in order to select the appropriate algorithm/scheme/format for display of the received data.

Regarding the "common-protocol wireless network" limitation, refer to comments claim 1 above.

In considering claim 7,

Flohr discloses a system where the signals sent out on the RF LAN are compressed (Fig 21), and the signals that are received by each personal computer (workstation) decompress the transmitted compressed image for display.

Regarding the "common-protocol wireless network" limitation, refer to comments claim 1 above.

In considering claim 8,

Flohr discloses receiving the compressed data and decompressing the compressed data via digital decoder 206 which decompresses the signal and separates the video and audio portions (col 18, line 43-52).

In considering claim 9,

Flohr discloses a system where the "information signal" is intended to mean any signal, analog or digital, which conveys information such as data or graphics. And also, Flohr discloses the information signal may include a "data signal" and/or a television signal (col 2, line 11-17).

In considering claim 12,

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Flohr discloses a system where the signals sent out on the RF LAN are compressed (Fig 21), and the signals that are received by each personal computer (workstation) decompress the transmitted compressed image for display.

Regarding the "common-protocol wireless network" limitation, refer to comments claim 1 above.

In considering claim 13,

Flohr discloses receiving the compressed data and decompressing the compressed data via digital decoder 206 which decompresses the signal and separates the video and audio portions (col 18, line 43-52).

In considering claims 15-19,

Flohr discloses a system where multiple workstations PC2...PCX (Fig 1) may transfer an information signal to multiple workstations or a selected workstation which are local conferees and also transfer an information signal to the outside world under control of server PC 1. Thus each workstation has an transmitter/receiver, which can receive/transmit an information signal to another/multiple workstations, or to the outside world (external network).

Regarding the "common-protocol wireless network" limitation, refer to comments claim 1 above.

In considering claim 20,

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Flohr discloses a system where the "information signal" is intended to mean any signal, analog or digital, which conveys information such as data or graphics. And also, Flohr discloses the information signal may include a "data signal" and/or a television signal (col 2, line 11-17).

In considering claim 21,

Flohr discloses a system where the signals sent out on the RF LAN are compressed (Fig 21), and the signals that are received by each personal computer (workstation) decompress the transmitted compressed image for display.

In considering claim 22,

Flohr discloses receiving the compressed data and decompressing the compressed data via digital decoder 206 which decompresses the signal and separates the video and audio portions (col 18, line 43-52).

In considering claims 23 and 26-27,

Flohr discloses transferring information signals to another computer or external network where the data messages sent by RF LAN of the first computer is sent via the transmitter of the first computer to the controller/receiver of the appropriate workstation or to the external network under control of server PC 1.

Regarding the "common-protocol wireless network" limitation, refer to comments claim 1 above.

In considering claims 24 and 28,

Flohr discloses transferring information signals to another computer or external network where the data messages sent by RF LAN of the first computer is sent via the transmitter of the first computer to the controller/receiver of the appropriate workstation or to the external network under control of server PC 1. Also, the first workstation can receive and transmit simultaneously (col 9, line 10-12), where another workstation (i.e. second computer) can transmit second control data to the receiver/controller of the first computer or another computer.

Regarding the "common-protocol wireless network" limitation, refer to comments claim 1 above.

In considering claims 25 and 29,

Flohr discloses transferring information signals to another computer or external network where the data messages sent by RF LAN of the first computer is sent via the transmitter of the first computer to the controller/receiver of the appropriate workstation or to the external network under control of server PC 1.

Regarding the "common-protocol wireless network" limitation, refer to comments claim 1 above.

3b. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flohr, US 5,374,952 in view of Narayanaswami, US Patent Application Publication 2001/0013890, Delph, US 6,356,934 and FCC 96-193 (Federal Communication Commission, Notice of Proposed Rule Making, released 6 May 1996).

In considering claims 30-32,

Neither the combination of Flohr, Narayanaswami and Delph disclose a system wherein the common-protocol network operates at frequencies at approximately 5 GHz.

The combination of Flohr, Narayanaswami and Delph disclose a common-protocol wireless videoconferencing network where each conferee can transmit/receive data to local/non-local network conferees where each conferee can display the transmitted/received data.

The frequency of operation of a wireless system is conventionally dictated by the type of equipment/usage that the wireless frequency would be used for (i.e. garage door openers, alarms around 40 MHz, standard cordless phone 40-50 MHz (where non-standard operate around 900 MHz). Thus, based on the particular device and the mandated (by FCC) frequency operation of the device, permits the designer/user to operate the device at a given or varied (scanner, TV) frequency.

The examiner incorporates FCC 96-193 which proposes the available bandwidth of 350 MHz of spectrum at the 5.15-5.35 GHz and 5.725-5.875 GHz range for unlicensed equipment. As proposed by the FCC, the spectrum at 5.15-5.35 and 5.725-5.875 GHz can be used by unlicensed equipment, which support wireless local area networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify combination of Flohr, Narayanaswami and Delph which disclose a common-protocol wireless videoconferencing network where each conferee

can transmit/receive data to local/non-local network conferees and where each conferee can display the transmitted/received data, by operating the common-protocol wireless network at approximately the 5GHz frequency band to provide the users/designers of the videoconferencing system the ability transmit/receive a wide array of high band, high data rate fixed communications services to the conferees.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wharton et al., US 5,831,664, discloses multiple PDA's which transmit receive information from each other, and transmit/receive information via set-top box 16 (Fig 2).

Ludwig et al., US 2002/0154210 discloses a videoconference system which uses wireless communication.

Ausems et al., US 2001/0044321 discloses a PDA with a wireless telephone.

Witkowski et al., US 2002/0197955 discloses a wireless communication system and method for communicating between wireless devices.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or

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relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-4700.



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600